


UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

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FILED
CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY: 
DEPUTY CLERK

UNITED STATES OF AMERICA

V.

TODD RICKS
#83035-180

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No. A-06-CR-206(1)-LY

ORDER

Upon motion of the defendant for a reduction in sentence pursuant to 18 U.S.C. § 3582(c)(1)(A), and after considering the applicable factors set forth in 18 U.S.C. § 3553(a) as applicable here and the applicable policy statements issued by the Sentencing Commission to the extent they are consistent with a sentencing reduction, Defendant's motion is denied.

Defendant's request for an early release is based on COVID-19 and Defendant's rehabilitation. Although Defendant suffers from several medical conditions, he has been vaccinated against COVID-19. Defendant appears to have benefitted from rehabilitative programs offered in prison and is encouraged to continue his participation. However, after review of Defendant's motion, the court finds no compelling or extraordinary reasons for a sentence reduction in this case.

In addition, Defendant fails to demonstrate that he is not a danger to the safety of any other person or the community or the § 3553(a) factors support an early release. After a jury trial, Defendant was convicted of being a felon in possession of a firearm (count 1), possessing a firearm in furtherance of a drug trafficking crime (count 2), and aiding and abetting the maintenance of a drug-involved premises (count 3). The court sentenced Defendant to 240 months on counts one and three and 60 months on count two. The court ordered the 60-month sentence to run

consecutively to the 240-month sentences for a total sentence of 300 months. Defendant still has approximately six years of his sentence to serve.

Defendant is considered a career offender under federal law. His presentence investigation report lists seven adult criminal convictions beginning at age 22. Out of the seven convictions, Defendant was revoked at least four times for failing to follow the terms and conditions of his release. Moreover, Defendant received a medium score under Prisoner Assessment Tool Targeting Estimated Risk and Need (PATTERN). This puts him in the group of inmates with the second-highest likelihood of recidivism.

The nature and circumstances of Defendant's offense and his history and characteristics do not justify a reduced sentence. Reducing Defendant's sentence will not adequately reflect the seriousness of his offense, promote respect for the law, provide just punishment for the offense, adequately deter criminal conduct, or protect the public from further crimes. No sentence reduction is needed to provide Defendant with medical care. *See* 18 U.S.C. § 3553(a).

IT IS SO ORDERED.

November 22, 2021.
DATE


UNITED STATES DISTRICT JUDGE